



BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

AZ CORP COMMISSION

JIM IRVIN

Commissioner-Chairman

RENZ D. JENNINGS

Commissioner

CARL J. KUNASEK

Commissioner

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DOCKETING CONTROL

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-00000B-97-0238

STAFF RESPONSE TO MOTION FOR
A SUPPLEMENTAL PROCEDURAL SCHEDULE

On May 1, 1998, AT&T Communications of the Mountain States, Inc., Electric Lightwave, Inc., Brooks Fiber Communications of Tucson, Inc., WorldCom, Inc., Sprint Communications Company, L.P., Teleport Communications Group, Inc., Cox Communications, Inc., American Communications Services, Inc., MCImetro Access Transmission Services, Inc., and McLeod US (the "CLECs") filed a request for a Supplemental Procedural Schedule in this case. The CLECs propose that a Supplemental Procedural Schedule be immediately established which specifically provides for discovery, hearings and briefing on U S WEST Communications, Inc.'s ("U S WEST") § 271 filing. For the following reasons, Staff does not believe that any further procedural schedule is necessary at this time.

The procedure ultimately adopted by the Commission in Decision No. 60218 was intended to provide the Commission with the ability to evaluate U S WEST's compliance with § 271 of the Telecommunications Act of 1996 ("TA-96" or "Federal Act") on an ongoing basis. Pursuant to the process put in place by the Commission, U S WEST is required to file the information demonstrating that it has met the requirements of any or all of the fourteen point checklist as it believes it meets those requirements. Interested parties then have 30 days to file comments on U S WEST's filings and U S WEST has 15 days to reply to the comments of other parties. Finally, U S WEST is required to file all of the required information on all checklist items at least 90 days prior to its filing with the FCC.

1 This process was designed specifically to accommodate the time constraints imposed
2 by the TA-96 which provides for an abbreviated ninety-day review and approval process by the
3 Federal Communications Commission ("FCC") on any Bell Operating Company ("BOC") § 271
4 application. During this time period, the FCC is required to "consult" with the relevant state
5 commission on the BOC application. The FCC has ruled that the state's consultative report is to be
6 submitted within 20 days of the date the BOC's § 271 application is filed with it for review. The
7 90 day advance filing requirement established by this Commission in Decision 60218, together with
8 the 20 days allotted by the FCC, give this Commission only approximately 110 days in which to
9 conduct any relevant proceedings, adopt a recommendation and forward it to the Department of
10 Justice ("DOJ") and FCC.

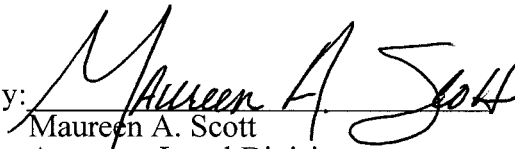
11 Staff believes that any future proceedings, beyond those already set forth in Decision
12 No. 60218, must be as streamlined and expedited as possible in order to ensure that the timeline
13 contained in the TA-96 can be met and that the Commission has adequate time to consider this
14 matter. Because of the abbreviated time period for Commission action, Staff believes that the timing
15 of this process would best be served through the use of more expedited formal workshops rather than
16 protracted evidentiary hearings as requested by the CLECs. Staff contemplates that the workshops
17 would be focused on specific issues and checklist items and that all parties would have a full and fair
18 opportunity to present their positions on each of the § 271 requirements. Staff also contemplates that
19 the workshops would be transcribed and that all parties would have an opportunity to provide the
20 Commission with additional written comments at the conclusion of the workshops based upon the
21 record produced. Under this procedure, Staff would be responsible for coordinating the workshops
22 and preparing a "Report and Recommendation to the FCC" on the issues raised by U S WEST's
23 application for Commission consideration. Parties would have a short period of time in which to
24 submit comments on the Staff's report before the Commission would consider the matter at open
25 meeting.

26 Staff believes that this procedure will result in a more efficient use of available
27 resources, yet provide an opportunity for a fully developed factual record, give all parties an
28 adequate opportunity to present their positions and ensure a timely consultation with the FCC on

1 these issues. This procedure is also appropriate because Staff believes the ultimate product for
2 Commission consideration should be a "consultative report" as opposed to a "formal order" which
3 parties could use as the basis for appeal.

4 With respect to discovery, Staff supports the opportunity for full and complete
5 discovery so that all parties have the opportunity to meaningfully participate in this case.

6 RESPECTFULLY SUBMITTED this 19th day of May, 1998.

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